

UNITED STATES DISTRICT COURT
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CIVIL MINUTES - GENERAL

CR 04-00374 SJO *

CASE NO.: CV 07-04160 SJODATE: June 16, 2011TITLE: Rita Lavelle v. United States of America

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PRESENT: THE HONORABLE S. JAMES OTERO, UNITED STATES DISTRICT JUDGEVictor Paul Cruz
Courtroom ClerkNot Present
Court Reporter**COUNSEL PRESENT FOR PETITIONER:****COUNSEL PRESENT FOR RESPONDENT:**

Not Present

Not Present

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PROCEEDINGS (in chambers): ORDER DENYING PETITIONER'S MOTION TO VACATE, SET ASIDE, OR CORRECT SENTENCING PURSUANT TO 28. U.S.C. § 2255 [Docket No. 188]

On June 26, 2007, Petitioner Rita Marie Lavelle ("Petitioner") filed a Motion to Vacate, Set Aside, or Correct Sentence Pursuant to 28 U.S.C. § 2255 ("Motion"). According to the Federal Bureau of Prisons, Defendant was released from Federal detention on July 6, 2007. (See <http://www.bop.gov/iloc2/LocateInmate.jsp>.) Petitioner has completed her term of imprisonment and is no longer under the supervision of federal officials. As such, Petitioner's Motion is denied as moot insofar as it attacks the validity of the sentence imposed against Petitioner. See *U.S. v. Mora-Mora*, 34 F.3d 1074 (9th Cir. 1994) (a motion under 28 U.S.C. § 2255 becomes moot when prisoner is released from custody prior to the court's consideration on the merits) (citing *Lane v. Williams*, 445 U.S. 624, 632 (1982)).

Accordingly, the Court **DENIES AS MOOT** Petitioner's Motion to Vacate, Set Aside or Correct Sentencing Pursuant to 28 U.S.C. § 2255.

IT IS SO ORDERED.